

# Senate . . . . . No. 2604

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Message from His Excellency the Governor recommending legislation relative to An Act Message from His Excellency the Governor (pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts) returning with recommendation of amendment the engrossed Bill Further Regulating Above Ground Tanks Used for the Storage of Certain Fluids (Senate, No. 914).

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## The Commonwealth of Massachusetts



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To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill No. 914, "An Act Further Regulating Above Ground Tanks Used for the Storage of Certain Fluids."

This bill amends M.G.L. ch. 148, § 37 which governs inspection of above ground fluid tanks. Under current law, the statute requires the permitting and annual inspection by the State Fire Marshal of all tanks holding any fluid other than water which have more than 10,000 gallons capacity. The bill would narrow the scope of the law to require permitting and inspection of only those tanks storing "flammable or combustible fluids." However, there are many other fluids which are also hazardous, such as liquid nitrogen, ammonia, and corrosive or caustic materials such as acids. All of these materials could cause significant damage to people, property, and the environment, if their storage tanks leaked or burst. In order to protect public safety, the Department of Fire Services should continue to require inspections of all tanks with over 10,000 gallons of capacity.

The other proposed changes to the statute would codify existing practice whereby tank owners or operators conduct inspection and maintenance activities, under the oversight of the marshal, and would allow the marshal to establish the schedule for required inspections.

To further the interests of public safety, I recommend that Senate Bill No. 914 be amended by striking out the text and inserting in place thereof the following text:-

Section 1. Section 37 of chapter 148 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The marshal shall establish rules and regulations providing for an inspection of tanks or containers on an annual basis or at such other frequency as determined by the marshal. The annual inspection fee shall be determined annually by the commissioner of administration under section 3B of chapter 7. The rules and regulations shall require owners or operators to maintain the tanks or containers on a regular basis and to keep records of inspections, repairs and maintenance for each tank or container in a form as prescribed by the marshal. The marshal may establish standards and qualifications for those persons authorized to conduct inspections under this section. In addition to the inspections required by regulation, the marshal may inspect the premises' tanks or containers, dikes, facilities, or equipment any time during reasonable business hours to determine compliance with this section or related regulation.

Respectfully submitted,

DEVAL L. PATRICK,

*Governor.*